

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,

*Plaintiff,*

AQUINNAH/GAY HEAD COMMUNITY  
ASSOCIATION, INC., and TOWN OF AQUINNAH,

*Intervenor-Plaintiffs/Counterclaim-Defendants,*

v.

THE WAMPANOAG TRIBE OF GAY HEAD  
(AQUINNAH), THE WAMPANOAG TRIBAL  
COUNCIL OF GAY HEAD, INC., and THE  
AQUINNAH WAMPANOAG GAMING  
CORPORATION,

*Defendants/Counterclaim-Plaintiffs,*

v.

CHARLES D. BAKER, in his official capacity as  
GOVERNOR, COMMONWEALTH OF  
MASSACHUSETTS, et al.,

*Third-Party Defendants.*

Civil Action  
No. 13-13286-FDS

\* Oral Argument Requested \*

**INTERVENOR-PLAINTIFF/COUNTERCLAIM-DEFENDANT**  
**AQUINNAH/GAY HEAD COMMUNITY ASSOCIATION, INC.’S**  
**MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, the Aquinnah/Gay Head Community Association, Inc. (“the AGHCA”) hereby requests entry of summary judgment in its favor on its claims for breach of contract, declaratory judgment, and injunctive relief against the Wampanoag Tribe of Gay Head (Aquinnah), the Wampanoag Tribal Council of Gay Head, Inc., and the Aquinnah Wampanoag Gaming Corporation. Pursuant to Local Rule

7.1(b)(1), the grounds for this motion are set forth with specificity in the accompanying Memorandum of Law and Declaration of Felicia H. Ellsworth, including exhibits attached thereto, as well as in the Stipulated Facts Not in Dispute, jointly filed by the parties on April 22, 2015, Dkt. 107, including the exhibits attached thereto.

### **REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), the AGHCA requests oral argument on this motion.

### **CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(a)(2), undersigned counsel certifies that counsel for the AGHCA has conferred with counsel for the other parties to this action in a good faith attempt to resolve or narrow the issues that are the subject of this motion.

Respectfully submitted,

AQUINNAH/GAY HEAD COMMUNITY  
ASSOCIATION, INC.

By its attorneys,

May 28, 2015

/s/ Felicia H. Ellsworth  
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**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.2(b), I, Felicia H. Ellsworth, hereby certify that this document filed through the ECF system on May 28, 2015, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth